



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-00216

February 12, 2019

Consent Item 28

Title: (Pass for Publication) Ordinance Amending Section 12.74.030 of the Sacramento City Code Relating to the City Hall Facility

Location: Citywide

Recommendation: 1) Review an Ordinance amending Section 12.74.030 of the Sacramento City Code relating to the City Hall Facility; and 2) pass for publication the ordinance title per City Charter section 32(c) for consideration on February 26, 2019.

Contact: Christopher Conlin, Assistant City Manager, (916) 808-8526, Office of the City Manager; Hector Barron, Director, (916) 808-2669, Department of Public Works

Presenter: None.

Attachments:

- 1-Description/Analysis
- 2-Ordinance (Redline)
- 3-Ordinance (Clean)

Description/Analysis

Issue Detail: The City Hall Facility (“Facility”) is comprised of Historic and New City Hall and the property encompassing those buildings, bounded by H and I streets and 9th and 10th streets. The Facility is open to members of the community while conducting City business, attending public meetings, or engaging in expressive conduct. Use of the Facility includes the ability for groups to obtain a permit to hold events in the Plaza. Currently, section 12.74.030 prohibits the public from being present in the Facility between 11:00 p.m. and 7:00 a.m. the following day, unless attending a City hearing or meeting, but contains no prohibition on sitting or lying down.

The proposed amendment to section 12.74.030 seeks to regulate the use of the City Hall Facility in a way that maintains a suitable working environment for City employees while allowing members of the public to use the exterior of the City Hall Facility in a manner consistent with its use and normal hours of operation by prohibiting sitting or lying down at the Facility during the day – 6:00 a.m. to 9:00 p.m. The proposed amendment also eliminates the prohibition on being present at the Facility at night - between the hours of 11:00 p.m. and 7:00 a.m.

Policy Considerations: None.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: Not applicable.

Commission/Committee Action: On February 5, 2019, the Law and Legislation Committee reviewed the ordinance and forwarded to City Council for approval.

Rationale for Recommendation: The proposed amendment to the ordinance is designed to regulate use of the City Hall Facility in a way that maintains a suitable working environment for City employees and ensure the facilities are safe and secure when security is reduced or not present, while still allowing members of the public to use the exterior of the City Hall Facility during regular business hours or when City business, such as public meetings, is being conducted.

Financial Considerations: There is no financial impact associated with implementing the proposed Ordinance.

Local Business Enterprise (LBE): Not applicable.

ORDINANCE NO.

Adopted by the Sacramento City Council
Date Adopted

**AN ORDINANCE AMENDING SECTION 12.74.030 OF THE
SACRAMENTO CITY CODE, RELATING TO
CITY HALL FACILITY**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 12.74.030 of the Sacramento City Code is amended to read as follows:

12.74.030 The public’s right to use the City Hall facility—Restrictions.

All persons are entitled to use the exterior of the City Hall facility for exercising their constitutional rights of free speech and assembly, without paying fees, obtaining permits, or providing advance notice, subject to the following restrictions:

A. ~~Restrictions to~~ Ensure a suitable working environment for city employees, ensure access to the City Hall facility, preserve and protect the City Hall facility, and prevent incompatible uses. ~~Any~~ no person shall ~~not~~ do any of the following at the City Hall facility:

1. Obstruct access to the entrances to, and exits from, city offices, or maintain less than an eight-foot-wide open space surrounding each entrance and exit.

2. Unless authorized by a Plaza event permit, use amplified sound or any drum, horn, cowbell, whistle, rattle, clapper, or other noisemaker between 7:00 a.m. and 5:00 p.m. Monday through Friday.

3. Unless authorized by a Plaza event permit, erect, install, or place any sign, display, or structure, temporary or otherwise, including tables and chairs, except as follows:

a. If space is available, portable tables may be placed in the Plaza, in the areas designated for that purpose on Exhibit 1, but only if the tables are used exclusively to facilitate the dissemination of expressive materials such as leaflets, pamphlets, petitions, and literature requesting contributions. As used here, “portable table” includes a banner suspended from the table plus up to two portable chairs.

b. Hand-held signs, banners, and flags are permitted.

4. Leave personal property unattended other than bicycles parked at city-provided bicycle racks.

~~5. Be present at any time between 11:00 p.m. and 7:00 a.m. the following day, unless attending a city hearing or meeting;~~56. Unless authorized by a Plaza event permit, sell merchandise or solicit immediate contributions of money or property.;

~~67.~~ 67. Unless authorized by a Plaza event permit, cook, sell, or distribute any food or beverage (other than water) or use any heat source or flame.;

~~78.~~ 78. Use skates, a skateboard, a bicycle, or similar device.;

~~89.~~ 89. Bathe or sponge bathe, or wash clothes, dishes, or other items.;

~~910.~~ 910. Sit, or lie down at any time between 6:00 a.m. and 9:00 p.m. of any day Monday through Friday, except on a bench or chair supplied by the city or allowed under subsection 3.a.

10. Unless authorized by a Plaza event permit, bring or keep any animal other than service animals and service animals in training.;

11. Bring or keep any fireworks, confetti, smoke- or fog-generating devices, or dangerous or deadly weapons as defined in the California Penal Code Penal Code other than a weapon on the person of a peace officer.;

12. Engage in any behavior or activity that violates the city code or state law.

~~B. Restrictions to Preserve and Protect the City Hall Facility. A person shall not do any of the following at the City Hall facility:~~

~~13.~~ 13. Harm or destroy any landscaping or vegetation, including trees, shrubs, bushes, flowers, and grass.;

~~214.~~ 214. Stand or sit on or in, or otherwise use, any water feature, statue, sculpture, or architectural or design feature in a manner inconsistent with its intended use;

~~153.~~ 153. Dispose of trash or garbage in any location other than in receptacles provided for that purpose.;

~~164.~~ 164. Use on any surface, including trees, any type of paint, chalk, stickers, nails, fasteners, glue, or adhesive.

~~C. Restrictions to Coordinate Multiple Uses.~~

~~17.~~ 17. A person shall not knowingly join or participate in a Plaza event conducted under any Plaza event permit: (a) in violation of the permit; (b) without the permittee's express consent and over the permittee's express objection; or (c) in any manner that disrupts the Plaza event. This restriction does not apply to a protest against a Plaza event so long as the protesters comply with this chapter and do not physically invade the area assigned for the Plaza event.

~~B. 182.~~ 182. A person or group that desires to have exclusive use of the Plaza, or any portion of it, for conducting a gathering, celebration, or other event must obtain a Plaza event permit.

~~C. 193.~~ 193. City programs and activities in the Plaza have priority over all other uses.

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4. Leave personal property unattended other than bicycles parked at city-provided bicycle racks.

5. Unless authorized by a Plaza event permit, sell merchandise or solicit immediate contributions of money or property.

6. Unless authorized by a Plaza event permit, cook, sell, or distribute any food or beverage (other than water) or use any heat source or flame.
 7. Use skates, a skateboard, a bicycle, or similar device.
 8. Bathe or sponge bathe, or wash clothes, dishes, or other items.
 9. Sit or lie down at any time between 6:00 a.m. and 9:00 p.m. of any day Monday through Friday, except on a bench or chair supplied by the city or allowed under subsection 3.a.
 10. Unless authorized by a Plaza event permit, bring or keep any animal other than service animals and service animals in training.
 11. Bring or keep any fireworks, confetti, smoke- or fog-generating devices, or dangerous or deadly weapons as defined in the California [Penal Code](#) other than a weapon on the person of a peace officer.
 12. Engage in any behavior or activity that violates the city code or state law.
 13. Harm or destroy any landscaping or vegetation, including trees, shrubs, bushes, flowers, and grass.
 14. Stand or sit on or in, or otherwise use, any water feature, statue, sculpture, or architectural or design feature in a manner inconsistent with its intended use;
 15. Dispose of trash or garbage in any location other than in receptacles provided for that purpose.
 16. Use on any surface, including trees, any type of paint, chalk, stickers, nails, fasteners, glue, or adhesive.
 17. Knowingly join or participate in a Plaza event conducted under any Plaza event permit: (a) in violation of the permit; (b) without the permittee's express consent and over the permittee's express objection; or (c) in any manner that disrupts the Plaza event. This restriction does not apply to a protest against a Plaza event so long as the protesters comply with this chapter and do not physically invade the area assigned for the Plaza event.
- B. A person or group that desires to have exclusive use of the Plaza, or any portion of it, for conducting a gathering, celebration, or other event must obtain a Plaza event permit.
- C. City programs and activities in the Plaza have priority over all other uses.